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1	UNITED STATES DISTRICT COURT
2	FOR THE DISTRICT OF OREGON
3	
4	THOMAS GLENN and PATSY
5	McKinney,
6	Plaintiffs,
7	vs. No.: 11-CV-00402-BR
8	CITY OF PORTLAND, a
9	public body,
10	Defendant.
11	
12	
13	DEPOSITION OF DOUGLAS L. MATTHEWS
14	Wednesday, August 24, 2011
15	Taken on behalf of the Plaintiffs
16	
17	BE IT REMEMBERED THAT, pursuant to the Civil Rules
18	of Procedure, the deposition of DOUGLAS L. MATTHEWS
19	was taken before Phillip A. Rader, a Notary Public
20	for the State of Oregon, on August 24, 2011,
21	commencing at the hour of 9:00 a.m.; the proceedings
22	being reported at the Office of the City Attorney,
23	1221 S.W. 4th Avenue, Suite 430, Portland, Oregon
24	97204.
25	Exhibit — Page 1 of 6

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PORTLAND, OREGON; WEDNESDAY, AUGUST 24, 2011 1 2 9:00 A.M. 3 4 DOUGLAS L. MATTHEWS, 5 having first been duly sworn, was examined 6 and testified as follows: 7 EXAMINATION BY MR. MAYOR: 8 9 Officer Matthews, will you state your full Q. 10 name for the record and spell it, please. 11 Douglas Lon Matthews, D-O-U-G-L-A-S, L-O-N, 12 M-A-T-T-H-E-W-S. 13 Thank you. Officer Matthews, my name is 0. 14 Travis Mayor and I represent Thomas Glenn and Patsy 15 McKinney in this lawsuit they brought against the 16 City of Portland. Today is the time for your 17 deposition. 18 Have you ever had your deposition taken before? 19 20 Α. No. 21 In that case, I'll go over a few basic ground Q. 22 rules. 23 As you can see, there's a court reporter 24 here and he's taking down everything we say. 25 unlike normal conversation, we have to wait until

Page 8

	rage 8	
7	_	
1	Α.	Yesterday I did, yes.
2	Q.	Okay. Have you done anything else to prepare
3	for to	day's deposition?
4	A.	Such as?
5	Q.	Anything other than what you've told me.
6	A.	No.
7	Q.	What's your date of birth?
8	Α.	I don't I don't think that's relevant. I
9	don't	want to give my date of birth. I'd be happy
10	to tel	l you what my age is, though.
11	Q.	For the record, you don't get to pick and
12	choose	what you answer today.
13	Α.	I'm not going to tell you what my date of
14	birth	is.
15	Q.	So you're refusing to tell me your date of
16	birth?	
17	Α.	Yes.
18	Q.	What's your age?
19	A.	I'm 41.
20	Q.	Are you currently employed?
21	A.	Yes.
22	Q.	Who is your employer?
23	A.	The City of Portland.
24	Q.	Occupation?
25	A.	Police officer.
	I .	

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BY MR. MAYOR: Q. So I'll repeat. Under your understanding the policy, if you believe any type of harm might happen to a person, does the policy allow you to make a warrantless entry into somebody's home? A. Any type of harm?		
the policy, if you believe any type of harm might happen to a person, does the policy allow you to make a warrantless entry into somebody's home?		
happen to a person, does the policy allow you to make a warrantless entry into somebody's home?		
make a warrantless entry into somebody's home?		
7 A. Any type of harm?		
8 Q. Right.		
9 A. Could you be more specific?		
Q. Any type of harm.		
A. If somebody pricked their finger, no, I ca	ın't	
make a warrantless entry. If a toddler fell down	1	
the stairs and sprained their ankle, I can't make	a a	
warrantless entry. But if it's a situation where		
somebody could be injured severely, you know, the	en I	
16 can.		
Q. Okay. Does it have to be life-threatening	ι;	
A. Well, that's hard to say. Any type of		
serious physical injury in my mind could be		
20 life-threatening.		
Q. The Emergency Entries Policy, is this an		
exception to the warrant requirement?		
23 A. Yes.		
Q. Prior to the date of this incident, had yo	ou	
received training in making searches under the		

1 Q. Do you have any other facts that you 2 observed, either you heard or that you saw, that led 3 you to believe that somebody's life was in danger or 4 somebody needed emergency assistance, other than what you just told me? 5 6 Α. No. 7 Q. Was your entry into Mr. Glenn's and Ms. McKinney's residence under these circumstances 8 9 pursuant to the Portland Police Bureau's Emergency 10 Entries Policy? 11 Α. Yes. 12 Was your entry into the residence under the Q. 13 Emergency Entries Policy in accordance with your 14 training under that policy? 15 Α. Yes. 16 Q. I apologize if I asked this already. 17 How long did you negotiate with Mr. 18 Glenn and Ms. McKinney prior to actually crossing 19 the threshold? 20 MR. MANLOVE: Objection. Asked and 21 answered. 22 But go ahead. 23 Α. Looking at the report from last night, I know 24 we got the call at about 9:01 a.m. And we came out on the air and said that Mr. -- we took Mr. Glenn 25

REPORTER CERTIFICATE

I, Phillip A. Rader, do hereby certify by pursuant to the Rules of Civil Procedure, the witness named herein appeared before me at the time and place set forth in the caption herein; that at the said time and place, I reported in stenotype all testimony adduced and other oral proceedings had in the foregoing matter; and that the foregoing transcript pages constitute a full, true and correct record of such testimony adduced and oral proceeding had and of the whole thereof.

In WITNESS HEREOF; I have here unto set my hand this

____day of <u>Quarest</u> 2011.

Reporter Signature

MarcL18, 2014

Commission Expiration

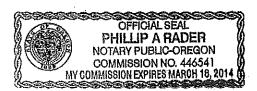


Exhibit 3
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